



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
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NGB-J1-TNS

28 July 2004

MEMORANDUM FOR THE HUMAN RESOURCE OFFICERS OF ALL STATES,
PUERTO RICO, THE U.S. VIRGIN ISLANDS, AND THE DISTRICT OF COLUMBIA

SUBJECT: Performance of Alert Duty by Military Technicians

1. This memorandum provides guidance and procedures that specifically govern National Guard Technicians while in an alert status. Military technicians may be scheduled for alert in a technician status. ANGI 36-2001, *Management of Training and Operational Support Within the Air National Guard*, provides guidance and procedures for training and operational support while in a military status. ANGI 10-203, *ANG Alert Resource Management*, prescribes procedures for the administration and management of resources required for ANG units tasked with peacetime alert missions.

a. Employment Status: Technician Aircrew members performing alert duty will have contingency orders prepared to convert them to 10 USC 12301(d) status in the event they are deployed in response to a threat. Once converted to Title 10 status, the technician may not revert to technician status until the expiration of the orders (typically midnight of the day the mission is terminated).

b. Hours of Work: Scheduling of technicians for alert or other extensive duty should, whenever practicable, be accomplished in 24-hour increments. Local commanders should avoid situations where the extra duty is scheduled in such a way (e.g., limited to 23 hours) as to maximize the compensatory time earned with no commensurate benefit to the organization. All scheduling should comply first with the needs of the service, and second with the principals of most effective utilization of technician resources.

c. Duty Hours. Technicians performing Alert may receive credit for a minimum of 16 hours of pay and compensatory time in one twenty-four period when the following conditions are met:

(1) The work shift is 24 hours or more, and

(2) There are adequate facilities for the employee to receive at least a 5-hour period of uninterrupted sleep.

(d) Meals and Sleep Time: While in an alert duty status, no more than 8 hours time may be deducted in any 24-hour period from pay and compensatory time due to sleep and meals. Any sleep or meal periods, up to a maximum of 8 hours, performed by a technician performing 24 hours of alert, must be deducted from pay and earned compensatory time. (5 CFR 551.432(a)(1-3) and (c))

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e. Overtime and Compensatory Time: Under 32 USC 709(h), technicians may receive an amount of compensatory time off equal to the amount of any time spent in overtime work. Overtime pay, however, is not permissible. Technicians performing alert for a period of 24 hours or more must be given an uninterrupted period of sleep time of 5 hours. They **do not** earn compensatory time during this period except in the event the sleep period is interrupted due to deployment in response to a threat or performance of other mission requirement. (5 CFR 551.432(d))

f. The following guidance must be applied for technicians performing alert duties in a military status or using a combination of military and technician status:

(1) The technician must take leave from any regularly scheduled technician duty. The technician may use leave without pay, or accumulated annual leave, military leave, or compensatory time.

(2) No more than one order for military status should be issued for technicians for successive days of military duty. This is especially true when the purpose of the order is to permit the service member to alternate between military duty and paid technician duty status. Military duty by nature encompasses 24 hours a day. Therefore, placing a member in a technician status on days the individual performs and is paid for military duty, aside from the exceptions noted in the sub-paragraphs 3, would violate dual compensation laws and precedents set forth in Comptroller General Decision (B-133972) which establishes criteria that allows, under certain conditions, individuals to receive compensation for technician service prior to the beginning and at the end of military duty.

(3) Any technician employment accomplished on the same day as military duty is permissible if it is before the official start of military duty, or after the release from military duty, provided the technician will not be scheduled for military duty on the next calendar day.

2. If a technician is converted to 10 USC 12301(d) status after he begins his technician workday, he is entitled to pay for both the Special Training day and for the hours of technician time that he worked prior to being deployed in response to the threat or mission that converted him to 10 USC 12301(d) status.

3. Employment Authorizations for technicians performing Air Sovereignty Alert: If a unit was allocated employment authorizations for technicians performing ASA, the unit commander is required to assign that member to the ASA mission on a full time basis.

a. Military Technician personnel hired specifically to support Air Sovereignty Alert (ASA) will be in a temporary or indefinite technician status.

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b. After a technician completes his/her weekly technician work hours supporting an alert mission, he/she may then volunteer to further support the mission on his/her days off and be placed on Special Training days.

4. Should you have questions or need additional information regarding military technicians performing alert, please contact Mr. Jim Hatchell DSN 327-1475 or Mr. Dave Smith 327-1477.

A handwritten signature in black ink that reads "Paula Shipe". The signature is written in a cursive, flowing style.

PAULA SHIPE

Chief, Employment and Pay Division